This listing of claims will replace all prior versions, and listing, of claims in the application.

Listing of Claims:

1. **(Currently Amended)** A pharmaceutical composition comprising metaxalone in a micronized form and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when orally administered to a patient on an empty stomach, wherein at least 99% of the metaxalone has a particle size not more than 10μm in diameter and wherein at least 63% of the metaxalone has a particle size more than 1.8μm in diameter.

2. **(Cancelled)**

3. **(Cancelled)**

4. **(Cancelled)**

5. **(Cancelled)**

6. **(Cancelled)**

7. **(Original)** A pharmaceutical composition as claimed in claim 1, wherein the composition comprises a mixture of metaxalone and a solubilizing agent.

8. **(Cancelled)**

9. **(Cancelled)**

10. **(Previously Presented)** A pharmaceutical composition as claimed in claim 1, wherein the metaxalone has specific surface area per unit volume of more than $2.5m^2/cm^3$.

11. **(Previously Presented)** A pharmaceutical composition as claimed in claim 10, wherein the metaxalone has specific surface area per unit volume of more than $3.0m^2/cm^3$.

12. **(Cancelled)**

Banner & Witcoff, Ltd
10 S. Wacker Drive, Suite 3000
Chicago, IL 60606
(312) 463-5000

13. **(Cancelled)**

14. **(Previously Presented)** A pharmaceutical composition as claimed in claim 1, wherein the metaxalone comprises the following particle size distribution characteristics: 99% undersize value of 10μm, 90% undersize value of 6μm, and 50% undersize value of 3μm.

15. **(Previously Presented)** A pharmaceutical composition as claimed in claim 1, wherein the amount of metaxalone is in the range of 400mg to 1600mg.

16. **(Previously Presented)** A pharmaceutical composition as claimed in claim 1, wherein the pharmaceutically acceptable excipient comprises a wetting agent.

17. **(Previously Presented)** A pharmaceutical composition as claimed in claim 16, wherein the wetting agent comprises a surfactant.

18. **(Previously Presented)** A pharmaceutical composition as claimed in claim 17, wherein the surfactant comprises sodium lauryl sulfate.

19 – 22 **(Cancelled)**

23. **(Previously Presented)** A pharmaceutical composition as claimed in claim 1 wherein the pharmaceutical composition further comprises an analgesically effective amount of a non-steroidal anti-inflammatory drug, wherein said nonsteroidal anti-inflammatory drug comprises a propionic acid derivative, acetic acid derivative, fenamic acid derivative, biphenylcarboxylic acid derivative or an oxicam, or the pharmaceutically acceptable salts thereof.

24. **(Cancelled)**

25. **(Cancelled)**

26. **(Cancelled)**

27. **(Cancelled)**

28. **(Cancelled)**

Banner & Witcoff, Ltd
10 S. Wacker Drive, Suite 3000
Chicago, IL 60606
(312) 463-5000

29. **(Withdrawn - Currently Amended)** A method comprising orally administering to a patient a pharmaceutical composition comprising metaxalone in a micronized form and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when orally administered to a patient on an empty stomach, wherein at least 99% of the metaxalone has a particle size not more than 10μm in diameter and wherein at least 63% of the metaxalone has a particle size more than 1.8μm in diameter.

30. **(Withdrawn - Currently Amended)** A method comprising orally administering to a patient a pharmaceutical composition comprising metaxalone in a micronized form and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when orally administered to a patient on an empty stomach, wherein the metaxalone has specific surface area per unit volume of more than $2.5m^2/cm^3$ and wherein at least 63% of the metaxalone has a particle size more than 1.8μm in diameter.

31. **(Currently Amended)** A pharmaceutical composition comprising metaxalone in a micronized form and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when orally administered to a patient on an empty stomach, wherein the metaxalone has specific surface area per unit volume of more than $2.5m^2/cm^3$ and wherein at least 63% of the metaxalone has a particle size more than 1.8μm in diameter.